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Attorneys for Defendants-Counterclaimants
 Connectix Corporation and Microsoft Corporation

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

| | | |
|----------------------------------|---|---------------------------------------|
| VMWARE, INC. |) | Case No. C 02-03705 CW |
| |) | (Consolidated with C 03-00654 CW) |
| Plaintiff-Counterdefendant, |) | |
| |) | JOINT STIPULATION OF DISMISSAL |
| vs. |) | |
| |) | |
| CONNECTIX CORPORATION AND |) | |
| MICROSOFT CORPORATION |) | |
| |) | |
| Defendants-Counterplaintiffs. |) | |
| |) | |
| <u>AND RELATED COUNTERCLAIMS</u> |) | |

Pursuant to Federal Rules of Civil Procedure §§ 41(a)(1)(ii) and 41(c), plaintiff VMware, Inc. and defendants Connectix Corporation and Microsoft Corporation hereby stipulate that all claims and counterclaims in this action shall be, and hereby are, dismissed without prejudice and without costs to either party. Each party shall bear its own attorneys' fees and experts' fees.

Dated: June 15, 2005

WILMER CUTLER PICKERING
 HALE AND DORR LLP

DEWEY BALLANTINE LLP

By: /s/
 Dominic E. Massa
 Attorneys for Plaintiff-Counterdefendant
 VMware, Inc.

By: /s/
 James J. Elacqua
 Attorneys for Defendants-Counterclaimants
 Connectix Corporation and Microsoft
 Corporation

1 Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, I
2 attest under penalty of perjury that concurrence in the filing of the document has been obtained from
3 Dominic E. Massa.

4
5 Dated: June 15, 2005

DEWEY BALLANTINE LLP

6
7 By: /s/_____
8 James J. Elacqua
9 Attorneys for Defendants-Counterclaimants
10 Connectix Corporation and Microsoft
11 Corporation

12
13 IT IS SO ORDERED.

14
15 Dated: 6/17/05 _____

/s/ CLAUDIA WILKEN

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UNITED STATES DISTRICT COURT JUDGE

Proof of Service

I am and was at the time of the service mentioned in this declaration, employed in the County of Santa Clara, California. I am over the age of 18 years and not a party to the within action. My business address is Dewey Ballantine LLP, 1950 University Avenue, Suite 500, East Palo Alto, California 94303-2225.

On June 15, 2005, I served the within document:

JOINT STIPULATION OF DISMISSAL

- ☐ I sent such document from facsimile machine 650 845-7333 on June 15, 2005. I certify that said transmission was completed and that all pages were received and that a report was generated by facsimile machine 650 845-7333 which confirms said transmission and receipt.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States Mail at 1950 University Avenue, Suite 500, East Palo Alto, CA 94303-2225, addressed as set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ I am readily familiar with Dewey Ballantine's business practices of collecting and processing items for pickup and next business day delivery by Federal Express. I placed such sealed envelopes for delivery by Federal Express to the offices of the addressees as indicated on the attached mailing list on the date hereof following ordinary business practices.

| | |
|---|---|
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| Susan J. Harriman Daniel E. Jackson Keker & Van Nest LLP 710 Sansome Street San Francisco, CA 94111 Facsimile: (415) 397-7188 | |

1 I declare that I am employed in the office of a member of the bar of this court at whose
2 direction the service was made. Executed on June 15, 2005, at East Palo Alto, California.

3 /S/_____
4 Tammy Miller